

1 RICHARD C. VASQUEZ /CA SB # 127228
2 AVIN P. SHARMA /CA SB# 233328
3 VASQUEZ BENISEK & LINDGREN LLP
3685 Mt. Diablo Blvd, Suite 300
4 Lafayette, CA 94549
Telephone: (925) 627-4250
5 Facsimile: (925) 403-0900
rvasquez@vblaw.com
asharma@vblaw.com

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7 Attorneys for Defendant HITACHI HIGH TECHNOLOGIES
AMERICA, INC., a Delaware Corporation

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10
11 TA CHONG BANK LTD.,

12 Plaintiff,

13 v.

14 HITACHI HIGH TECHNOLOGIES
15 AMERICA, INC., a Delaware Corporation; and
DOES 1-10, inclusive,

16 Defendants.

Case No: C-08-02452-PJH

**DEFENDANT HITACHI HIGH
TECHNOLOGIES AMERICA, INC.'S
REVISED NOTICE OF MOTION AND
MOTION TO DISMISS PLAINTIFF TA
CHONG BANK, LTD.'S COMPLAINT
PURSUANT TO FED. R. CIV. P. RULE
12(b)(6)**

Judge: The Honorable Phyllis J. Hamilton
Date: July 9, 2008
Time: 9:00 a.m.
Dept: Ctrm 3, 17th Floor

1 TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE that the hearing on Defendant Hitachi High Technologies
3 America, Inc.'s ("Defendant" or "HTA") motion to dismiss previously scheduled for July 2,
4 2008 at 10:00 a.m. before the Honorable Bernard Zimmerman of the above entitled Court, is
5 hereby rescheduled to July 9, 2008 at 9:00 a.m. before the Honorable Phyllis J. Hamilton of the
6 above entitled court located in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San
7 Francisco, California.

8 At the hearing, Defendant will move this court to dismiss the action pursuant to Fed. R.
9 Civ. P. 12(b)(6) because Plaintiff Ta Chong Bank, Ltd.'s complaint fails to state a claim upon
10 which relief can be granted.

11 This revised motion is based on this Revised Notice of Motion and Motion, HTA's
12 Memorandum of Points and Authorities in support of the motion, HTA's Request for Judicial
13 Notice, all pleadings in the case, and such other arguments and evidence as may properly come
14 before the Court.

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16 DATED: May 27, 2008

VASQUEZ BENISEK & LINDGREN LLP

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19 By: _____/s/
20 AVIN P. SHARMA
21 Attorneys for Defendant HITACHI HIGH
22 TECHNOLOGIES AMERICA, INC., a
23 Delaware Corporation
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